

DATE: December 10, 1985

TO: City Manager

FROM: City Attorney

SUBJECT: Use of Informants

This is in reply to your memorandum dated November 22, 1985 inquiring as to federal or state restrictions on the police practice of using paid informants to infiltrate organizations suspected of committing illegal acts. Attached is a memorandum dated December 10, 1985 by Casey Gwinn, Senior Legal Intern, which we adopt as our views with respect to this issue.

The restrictions on such law enforcement activities are primarily constitutional and any given fact situation would require a sensitive balancing process. It is clear, however, that Hatch Act issues do not arise in the context of undercover activities unless those activities cease their focus on criminal activity and concentrate on an effort to influence the outcome of an election.

JOHN W. WITT, City Attorney

By

Devin J. Chin-Lee

Deputy City Attorney

DJC:ls:520.1(x043.2)

Attachment

ML-85-95